

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSEPH AUGUST MARSALA,
Plaintiff,
v.
MARCELO RA,
Defendant.

Case No. 1:20-cv-01794-JLT-CDB (PC)

ORDER GRANTING DEFENDANT'S
SECOND MOTION FOR EXTENSION OF
TIME TO FILE RESPONSIVE PLEADING

(Doc. 25)

**FORTY-FIVE (45) DAY DEADLINE
(May 4, 2023)**

Plaintiff Joseph August Marsala is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed under 42 U.S.C. § 1983.

On November 17, 2022, Defendant Marcelo Ra filed a Waiver of Service of Summons acknowledging that a response to the complaint was due within 60 days of October 20, 2022, or December 19, 2022. (Doc. 21.) Upon motion by Defendant, the Court granted a 90-day extension of time to file a responsive pleading, or by March 20, 2023. (Doc. 23, 24.)

On March 17, 2023, Defendant filed the instant motion for a 45-day extension of time. (Doc. 25.) As grounds, the deputy attorney general states that he was assigned to this case on March 2, 2023. (Doc. 25-1.) Counsel indicates that he needs extra time to evaluate and investigate Plaintiff's allegations and claims to determine Defendant's defenses; obtain Plaintiff's CDCR

1 records, medical records, and other relevant documents; review these records, which may consist
2 of thousands of pages; and meet with Defendant to prepare the responsive pleading. Within the
3 next 45 days, counsel has deadlines in multiple, unrelated cases and several scheduled medical
4 appointments. Thus, Defendant has demonstrated good cause for the requested extension of time.

5 Accordingly, it is hereby ORDERED that Defendant's second motion for an extension of
6 time, (Doc. 25), is GRANTED. Defendant is granted leave to file a responsive pleading **within**
7 **forty-five (45) days** from the current deadline, or by **May 4, 2023**.

8 No further extension will be granted without a timely filing and showing of good cause.

9 IT IS SO ORDERED.

10 Dated: **March 20, 2023**

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13 UNITED STATES MAGISTRATE JUDGE
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